

**WIGAN COUNCIL'S COMPREHENSIVE
EQUALITY POLICY 2005**

Our Vision for Wigan is to create:

A place which is comfortable within a modern, diverse and changing world

A place that celebrates and makes constructive use of our differences

A place without fear, enabling those who live, work, study and volunteer in the borough to make a positive contribution

A place where everyone is heard, valued and respected

A place that welcomes learning and change

Wigan Council's Equality & Diversity Statement:

Wigan Council is committed to equality of opportunity and is dedicated to providing the opportunity for all its citizens to develop their full potential, whatever their background or ability, without discrimination.

CONTENTS

	Page
Introduction	4
Using this Policy	4
Section A : Vision, Values & Equal Opportunity Statements	5
Links to Wigan MBC's Vision, Values & Equalities & Diversity	5
The Council's Equality & Diversity Vision	5
Primary Commitment	6
Supportive Commitment	6
Comprehensive Equal Opportunities Policy Statement	6
Relevant Legislation	6
Equal Opportunities Policy Statement to Employees	7
Equal Opportunities Policy Statement to our Citizens	8
Section B : Implementation	
Implementing the Policy	10
Roles & Responsibilities	10
Unacceptable or Unlawful Actions	12
Appendix 1	14
Glossary of Terms	14

1.0 INTRODUCTION

- 1.1 This is Wigan Council's first Comprehensive Equality Policy. It has been developed to ensure compliance with the Equality Standard for Local Government and all relevant legislation and codes of practice, and builds on the previous Equal Opportunities Policy.
- 1.2 This policy provides a framework for developing and implementing best practice in equality and diversity in the Council's workforce and in relation to the services the Council provides to the local community.
- 1.3 The purpose of this policy is to make certain that in everything the Council does it supports diversity, equality of opportunity and the elimination of discrimination.
- 1.4 The Council is dedicated to improving services for all in a way that meets and is sensitive to the needs of all sections of the local community.
- 1.5 In striving to make the necessary changes to ensure continued improvement, the Council will provide community leadership in championing equality of opportunity; challenging all forms of discrimination and contributing to making the Council's Vision and Values a reality for all.

2.0 USING THIS POLICY

- 2.1 This policy has been developed to act as a mechanism for change. To enable this, the Council will:
 - ensure that the promotion of equality and diversity issues is incorporated into the business and service plans throughout the Council;
 - make it mandatory that all sections of the Council use the Performance Management Framework to manage and monitor progress and improvement;
 - encourage all sections of the Council to undertake regular reviews of equality and diversity issues and make the results accessible to the public;
 - make all staff aware of this policy and its implications for their working activity;
 - enhance the current Diversity Champions' structure.
- 2.2 This policy will be reviewed every three years, or in response to changes to relevant statutory legislation.

Section A:

3.0 LINKS TO WIGAN MBC'S VISION, VALUES AND EQUALITY & DIVERSITY

- 3.1 Wigan Council's vision has been developed in partnership with the local community:-

"Building the future together in a place where people matter and you can afford to live the life you want"

- **Helping people reach their full potential**
- **Building strong communities**
- **Creating places where people want to live**

3.2 Wigan Council will support the delivery of the Vision through:-

- **Strong Community Leadership – through a network of partnerships**
- **Effective Governance – by good systems for managing the Council**
- **Excellent Services – making sure the Council is always improving**

3.3 The Council's values are:

- **setting high standards**
- **being open and honest**
- **focusing on performance**
- **leading by example**

3.4 The Council believes that the equality and diversity agenda is a vital, integral part of working that underpins all aspects of our vision and values. It will be through the effective implementation of this agenda that the Council will achieve its vision and values. This work will be undertaken at both the corporate and departmental level, and in our partnership arrangements.

4.0 THE COUNCIL'S EQUALITY & DIVERSITY VISION

4.1 The Council is committed to achieving the following aims:-

- As a community leader, to champion equality of opportunity; address issues of diversity; challenge all forms of discrimination and contribute to making Wigan a place where people live together safely, in respect and friendship.
- As an employer, to have a workforce which is representative of the community it serves, and to value the diversity of its staff.
- As a service provider, to deliver high-quality services which meet the particular needs of individuals, families and communities.
- As a major procurer and commissioner of services, to influence other organisations in the promotion of equality of opportunity and diversity.

In doing this, the Council undertakes to:

- meet its legal obligations under all relevant legislation;
- treat everyone fairly, and with respect for their culture, values and beliefs;
- operate in an open and accountable fashion;
- encourage and enable the involvement of people in decisions which affect them.

5.0 PRIMARY COMMITMENT

5.1 Wigan Council is committed to equality of opportunity and is dedicated to providing the opportunity for all its citizens to develop to their full potential, whatever their background or ability, without discrimination.

6.0 SUPPORTIVE COMMITMENT

- The Council will pursue policies and practices to achieve this objective without discrimination on grounds of gender identity, age, race (including colour, nationality, national or ethnic origin), religious belief, disability, social class, marital status or sexual orientation, economic circumstances, responsibility for dependants, trades union membership or political affiliation and the rights for rehabilitation of former offenders, or on any other irrelevant factor.
- It is recognised by the Council that some individuals experience multiple disadvantages. The aim of this policy is to address all forms of disadvantage and discrimination, wherever it is found.
- This commitment shall be expressed and implemented through the Council's employment policies, practices, service delivery arrangements and community leadership role.

7.0 COMPREHENSIVE EQUAL OPPORTUNITIES POLICY STATEMENT

7.1 Wigan Council acknowledges that, in many aspects of society, people may experience discrimination and prejudice that can lead to the creation of barriers that limit people's chances and, therefore, their quality of life. This is also true in service delivery and in employment practices. Through all our duties and powers, the Council is committed to equality of opportunity in employment, in our role as community leaders, as procurers of services and in our service delivery. The Council maintains that people have the right to a quality of life that is based on dignity and respect. The Council is fully committed to the elimination of unlawful discrimination and the promotion of good relations between all groups in all our policies, procedures and working practices. This policy is part of the ongoing commitment to improve in this area, and to ensure continued high-quality services and employment practices. All employees have responsibility for the effective implementation of this policy.

8.0 RELEVANT LEGISLATION

8.1 The Council recognises and is fully committed to meeting the following equality legislation:-

- Equal Pay Act, 1970
- Sex Discrimination Act, 1975 and 1986
- Sex Discrimination (Gender Reassignment) regulations, 1999
- Race Relations Act, 1976
- Race Relations (Amendment) Act, 2000
- Disability Discrimination Act, 1995
- Disability Rights Commission Act, 1995
- Disability Rights Commission Act, 1999

- Protection from Harassment Act, 1997
- Employment Relations Act, 1999
- Human Rights Act, 1998
- Employment Equality (Religion or Belief) Regulations, 2003
- Employment Equality (Sexual Orientation) Regulations, 2003
- Employment Equality (Age) Regulations, 2006

8.2 The Council is also fully committed to adhering to all relevant codes of equality and diversity practice from the various commissions and relevant bodies.

8.3 **Equality & Diversity in Wigan**

8.3.1 Diagram (1) outlines the links between various equality legislation and the Council's response to mainstreaming equality and diversity. Various pieces of legislation underpin and inform the Comprehensive Equality Policy, which outlines the Council's equalities commitment and intentions. This policy, in turn, informs the Equality & Diversity Strategy, which is the main document which outlines the Council's delivery and implementation processes. The Strategy, in turn, supports the planning process which links to the Council's Vision and the Community Plan.

9.0 **EQUAL OPPORTUNITIES POLICY STATEMENT TO EMPLOYEES**

9.1 As an employer, the Council is committed to promoting equality of opportunity for all its existing and potential employees. The Council has the responsibility to uphold the right of each employee to be judged on merit and competence. The Council will fulfil this responsibility by promoting equality of opportunity through its employment policies, practices and service delivery arrangements.

9.2 **Policy**

9.2.1 The Council:

- a) expects all employees to behave with respect towards their colleagues and customers in respect of gender, age, colour, nationality, national or ethnic origin, religious belief, disability, social class, marital status or sexual orientation, or any other irrelevant factor;
- b) seeks to eliminate all forms of discrimination which contravene our equal opportunities commitment;
- c) respects cultural difference and promotes an environment of cultural awareness;
- d) values diversity and uses people's talents to the full;
- e) will progress equal opportunities in employment and address areas of under-representation in the workforce;
- f) will incorporate and monitor equality targets in employment and promotion policy and practice;

- g) will provide mandatory training to ensure that all employees are aware of their rights and their duties under the equal opportunity commitment;
- h) will accept the right of each employee and customer to be treated fairly;
- i) will design and implement adequate systems and procedures to deal with any form of harassment or other unfair discriminatory incidents or complaints;
- j) will encourage employees to report all types of unfair discriminatory practice;
- k) will establish performance standards, targets and indicators to monitor the effectiveness of the implementation of this policy.

9.3 **Support**

9.3.1 The Council will establish procedures and processes to support employees in maintaining the policy.

10.0 **EQUAL OPPORTUNITIES POLICY STATEMENT TO OUR CITIZENS**

10.1 The Council is committed to providing equality of opportunity for all who live and work in the borough or make use of our facilities and services. Our aim is to provide services which are appropriate to everyone and accessible to all people of the borough. Our intention is to provide the opportunity for all our citizens to develop their full potential. This policy is given force through the Council's duty to treat all persons equally in a non-discriminatory way. To this end, the Council's commitment will be expressed and implemented through various means. These include, in addition to corporate employment: training and disciplinary practices; public consultation; continuous monitoring and review of service delivery practices; partnership and contractual obligations and specific departmental action plans.

10.2 **Policy**

10.2.1 The Council will endeavour:

- a) to uphold the right of each citizen to live how they choose, within the law, without fear of discrimination;
- b) to reinforce each citizen's individual duty to respect this right for others;
- c) to promote respectful, mutual relations between all persons with regard to religious belief, marital status, disability, health status, political opinion, sexual orientation, distinguishing features, gender, age, race, culture, class or other factor;
- d) to promote policies and actions which acknowledge and respond to the needs of specific social groups, e.g. disabled people, when considering the design, practicality and delivery of all service provision.
- e) to work towards the elimination of all forms of discrimination;

- f) to promote non-discriminatory practice in the acquisition and provision of services;
- g) to establish adequate consultation methods and review systems;
- h) to promote appropriate representation of all social groups in every aspect of review and consultation undertaken about service provision;
- i) to incorporate and monitor equalities targets into Best Value Performance Plans, Departmental Service Plans, Service Improvement Plans and all external service contracts;
- j) to encourage participation in all community partnerships by members of all social groups;
- k) to promote equality of access for all in all development opportunities and regeneration schemes;
- l) to work in partnership with other agencies and organisations to promote equal opportunities and non-discriminatory practice;
- m) to incorporate and monitor equality targets in all community partnerships and development opportunities;
- n) to promote the reporting of all types of discriminatory incidents;
- o) to design and implement adequate corporate conflict resolution procedures and disciplinary methods for dealing with harassment or other discriminatory incidents or complaints;
- p) to ensure all staff are trained in the correct complaint and conflict resolution procedures;
- q) to establish performance indicators to monitor the effectiveness of disciplinary methods and other complaint or conflict resolution procedures;
- r) to provide adequate prejudice awareness and anti-racism training to ensure that employees treat each other and each and every Council customer in a non-discriminatory fashion;
- s) to protect the right of every Council worker not to be treated in a discriminatory manner by any person at any time in the course of employment;
- t) to provide relevant training to ensure that all staff are aware of their rights and their duties under the Equal Opportunities Policy;
- u) to ensure all citizens have appropriate access to a copy of the Council's Equal Opportunities Policy.

Section B:

11.0 IMPLEMENTING THE POLICY

11.1 The success of this policy is dependent on the active commitment of the entire organisation. This includes all departments at all levels and Elected Members. Without this commitment being clearly established, articulated and proactively owned, it will not be possible to establish the vision and values of the Authority, nor influence the borough in order that people can reach their full potential, free from the obstruction of discrimination.

11.2 Making Change Happen

- The Council will ensure that there are appropriate resources for the efficient and effective delivery of the Equality & Diversity agenda that leads to systematic improvement.
- The Council will ensure that there are appropriate management structures through the continuing work of the Diversity Champions.
- The Diversity Champions will have appropriate support from departments and departmental senior management.
- All departments will develop, implement and monitor action plans on equality and diversity issues and areas of work.
- The Council and all departments will monitor progress, create and revise equality and diversity targets and objectives.
- The Council is committed to identifying groups within the community whose needs/requirements are less well met by Council services than those of other groups. This will be undertaken by the use of community and workforce profiling, monitoring of staff and service provision, and regular systematic consultation with service users and key stakeholders and partners.
- The Council will demonstrate clear improvements in policy practices and service delivery for all of the above and publish results.
- The Council will implement the Equality Standard for Local Government and will maintain realistic progression through its framework.
- The Council will take into account current and future legislation, guidance and relevant codes of practice, and best practice elsewhere.

12.0 ROLES & RESPONSIBILITIES

12.1 The Role of Elected Members

12.1.1 Members' have responsibility for taking forward the vision that underpins this policy. This will be done in a number of ways:-

- Shaping the Equalities & Diversity Policy and allocating the required resources.

- Overseeing progress against the targets in the Equalities & Diversity Policy.
- Allocating responsibility for equalities issues to a lead Member and to the Overview & Scrutiny Committee.
- Recognising the significant role of the service commissioning and procurement functions in securing improvement.
- Influencing partners to follow the Council's lead or to join with the Council in joint arrangements or procurements.
- Participating in training to raise their own levels of awareness and allow them to carry out this scrutiny role effectively.
- Reviewing implementation of the policy to ensure there is a positive impact on service delivery and employment issues.
- Other activities which may emerge.

12.2 The Role of Employees

12.2.1 Staff at all levels of the organisation have responsibility for making this policy a reality. Key responsibilities will vary between staff:-

The **Chief Executive** has overall responsibility for implementation of the Equalities & Diversity Policy across the organisation.

The **Assistant Chief Executive** has lead responsibility for project managing work to implement the policy, monitoring and reporting progress against the Action Plan, and carrying out periodic reviews of the policy.

All **Chief Officers** are responsible for implementation of the Corporate Equalities & Diversity Policy and the Corporate Equalities & Diversity Strategy within their departments:

- ensuring all departmental and divisional policies are compatible with and complement the Corporate Policy & Strategy;
- ensuring that appropriate monitoring systems are in place to gather data needed for implementation of the policy;
- ensuring that Departmental Service Plans incorporate action to promote diversity and equality of opportunity;
- allocating the resources necessary to support the delivery of this work;
- ensuring that equalities priorities and targets are achieved and reviewed as necessary;
- ensuring that staff and members of the public have mechanisms through which they can complain about discriminatory or unfair treatment and have such complaints dealt with appropriately.

All **senior staff** must ensure that they understand how the services they manage can contribute to the promotion of equality of opportunity and a diverse workforce through: fair employment practices; delivery of services in ways which meet the diverse needs of local people; and through processes for procuring and commissioning services. Also to ensure that employees are aware of their specific rights and duties under this policy.

All employees are responsible for behaving in a positive, respectful and non-discriminatory manner towards service users and colleagues;

- It is vital for all employees in all job roles and at all levels to live these values and procedures, and not merely pay them lip service. It is especially important for leaders at all levels to act as role models. In particular, everyone must behave with respect towards all employees, customers or any other person with regard to gender, age, colour, nationality, national or ethnic origin, religious belief, disability, social class, marital status or sexual orientation, or any other aspect that might lead to an individual being unfairly disadvantaged.
- Not acting in a way which discriminates against any employee or member of the public in contravention of this policy.
- Challenge inappropriate and discriminatory behaviour in others, and participating in measures designed to remove inequalities, including training and development. Training needs are to be identified in agreement with line managers as part of the Employee Development Review Policy.
- Be aware of their specific rights and duties under the Equal Opportunities commitment.
- Foster, by example, a respect for cultural difference and promote an environment of cultural awareness.
- Assist in the monitoring of equal opportunities issues.
- Employees with responsibility for recruitment and selection to the Council must follow the Recruitment & Selection Standards, Policies & Guidelines.
- Line managers must fulfil their duty to actively implement equality and diversity
- Everyone should exercise their duty to report discriminatory incidents of any nature to an appropriate officer and exercise their right to report the same incident to any other officer if no action is taken.

13.0 UNACCEPTABLE OR UNLAWFUL ACTIONS

- 13.1 A disciplinary investigation and appropriate action will be taken if any employee at any level acts in breach of the policies, or if there are reasonable grounds to suspect them of harassing or discriminating against a fellow worker, manager or any other person in a way that may contravene our equal opportunities commitment.

- 13.2 Inducing or attempting to induce other employees, union officials, management, employees of partners, customers or other stakeholders to discriminate or indulge in unacceptable practices which contravene the equal opportunities commitment may incur disciplinary action by the Council.
- 13.3 Victimisation of an individual who complains of discrimination or against an employee who provides information in such a case is unacceptable, and may be unlawful. The Council will intervene and take disciplinary action, if necessary.
- 13.4 Similarly, the Council will not tolerate unfounded allegations of discrimination or harassment. It will investigate cases:
- a) where there are reasonable grounds to believe that an employee has deliberately misled the Council and/or caused distress to any person by falsely accusing them. In such cases, disciplinary action will be commenced;
 - b) where there are reasonable grounds to believe that any person has deliberately misled the Council and/or caused distress to any Council employee by falsely accusing them.

APPENDIX 1 : GLOSSARY OF TERMS

Unlawful Direct Discrimination

Treating one person less favourably than someone else has been or would be treated on the grounds of their gender, race, disability, sexual orientation, religion or belief or (from 2006) age. This may take place in the workplace or in the provision of goods/services (except sexual orientation, religion or belief).

Gender Reassignment

A process which is undertaken under medical supervision to reassign a person's sex, and includes any part of such a process, such as psychotherapy, drug treatment and surgery.

Hate Crime

Is an offence committed against people on the basis of their race, religion, gender, disability or sexuality.

Homophobia

Literally, fear of or prejudice against lesbians and gay men. Often used to describe discriminatory or hostile behaviour towards people from these groups.

Indirect Discrimination

Indirect discrimination is when a policy or practice is applied equally to everyone but causes disadvantage to particular groups. This may take place in the workplace or in the provision of goods/services. For example, a single height requirement for employment may disadvantage women and men from some ethnic groups. Restriction of part-time working may disadvantage women more than men. Indirect discrimination (unlike direct) may legally be justified if it is a genuine need of a job.

Institutional Racism

"The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people." Sir William McPherson on the investigation into the murder of Stephen Lawrence, 1999. This term may be broadened out to that of institutional discrimination, incorporating other kinds of discrimination beyond that of race.

Positive Action

A variety of measures that can be used in providing goods and services, in training and around recruitment, that are designed to counteract the effects of past discrimination. It can only legally be undertaken where a group is under-represented in the 12 months preceding an opportunity. Often confused with Positive Discrimination – favouring someone because of a characteristic such as sex or race – which is unlawful in the UK, except in relation to disability, and in some circumstances, religion or belief.

Prejudice

Forming an opinion of an individual or group with little or no information upon which to base such an opinion. Prejudice may be the result of fear or mistrust and often results in harm to the individual or group subjected to decisions based upon it.

Racial Harassment

Violence which may be verbal or physical and which includes attacks on property as well as on the person, suffered by individuals or groups because of their colour, race, nationality and ethnic or national origins, when the victim believes that the perpetrator was acting on racial grounds and/or there is evidence of racism.

Sexual Harassment

Sexual harassment is uninvited and unwanted comments, looks, suggestions and physical contact of a sexual nature or based on sex, causing embarrassment, intimidation, offence or distress.

Stereotype

A set of characteristics or behaviour patterns wrongly believed to be shared by all members of the same group. Acting on a stereotypical view leads to judgements and decisions being taken without regard to personal qualities, characteristics or behaviour of individual members of that group.

Transgender

Transgender is generally used as a catch-all term for a variety of individuals, behaviours and groups centred around the full or partial reversal of gender roles. It can sometimes mean someone who does not identify with one specific gender fully. In its previous, most popular definition, this includes a number of groups, which may include transsexuals, crossdressers, inter-sex and consciously androgynous people.

Victimisation

Punishing or treating someone unfavourably because they have made a complaint of discrimination, or are thought to have done so, or because they have supported someone else who has made a complaint of discrimination.